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ISAAC PECKHAM CHRISTIANCY

ISAAC P. CHRISTIANCY was born on the 12th of March, 1812, at Johnstown, New York. His life is another of the many illustrations that great as are the advantages of the possession of wealth, when properly used, and the opportunity of attending the higher institutions of learning, they are not essentials to the attaining of great influence and a position of well deserved eminence. His education was obtained by attending the district schools, supplemented by a short term in the academy at Dow, New York. He was an omnivorous reader of such books, magazines and newspapers as were obtainable by him. His biographers wrote of him that at the early age of thirteen years he was obliged to assume the chief support of his father's family, and discharged these unusual responsibilities remarkably well. One of the methods followed by him to earn something to accomplish this purpose was to fill the position for some years of a teacher in the district schools. There probably is no place in the world affording a better opportunity to become acquainted with human nature than as a teacher under such circumstances. It has been truly said that men and women are but children of a larger growth. The teacher in those days was not only required to teach, but was expected to board around among the parents of his pupils, and in this way he came to know life as it was lived by the average citizen.

He came to Monroe, Michigan, in the year 1836, and obtained a clerkship in the Federal land office. Many of the titles to land depended upon Spanish and French grants, while others were of English origin. He devoted himself so assiduously to the study of the laws applying to these conditions that he obtained a profound knowledge of the law of real estate.

Young Christiancy during all this time had the ambition to

become a practicing lawyer, and was also a student of the other branches of law. He entered the law office of Robert McClelland, who was justly regarded as one of the leading lawyers of the young state, and who served it as Governor from 1851 to 1853, when he entered the Cabinet of Franklin Pierce as Secretary of the Interior. Young Christiancy was admitted to practice in 1836, and very soon took high rank as a lawyer. From 1841 to 1846 he was prosecuting attorney of his county. He proceeded upon the theory that what was worth doing at all was worth doing well, and became exceedingly well versed in criminal law.

Justice Graves in an admirable paper read by him, before the annual meeting of the Michigan Association of Judges, expressed the opinion that the mental discipline which came from these two positions was of untold value to him in preparing him for the responsible position afterwards coming to him, of Justice of the Supreme Court.

Not only did Mr. Christiancy take high rank as a lawyer, but he became greatly interested in the political life of his time. The country was stirred from center to circumference by the question of slavery, and particularly whether it should be permitted to spread into the territories, or should be confined to the states in which it then existed. Because of his belief in the inalienable right of every human being to the possession of the fullest liberty consistent with the welfare of society, he allied himself to the Free Soil party, and in 1848 was a delegate from the State of Michigan to its National Convention, held at Buffalo, and was a recognized leader in that body.

He served with great acceptability as State Senator in the years 1850 and 1851, and headed the Free Soil ticket in the state in 1852 as a candidate for Governor, taking a prominent part in the discussions involved in the campaign. As a result of the agitation growing out of the slavery question, a combination was formed between the old Whig party, the Free Soil party, and many accessions from former Democrats, which resulted in the creation of a new party known as the Republican party. Mr. Christiancy was one of the prime factors in this movement and was recognized as one of the leaders in the historic meeting held at Jackson in the year 1854, at which time this party came into existence. When a delegation was made up to represent the new party in its first national convention held in Philadelphia in 1856, Mr. Christiancy was one of the number. He assisted in the nomination, at that convention, of the picturesque and intrepid man known as the Pathfinder, John C. Fremont. About this time he became the owner and editor of the *Monroe Commercial*, and changing its politics actively supported

the new party. Notwithstanding his political activities and the demands made upon him by his editorial work, he continued his practice of the law and was recognized as one of the able lawyers of the state.

In January, 1857, the legislature of the state, acting under its constitutional right, provided for an independent Supreme Court to consist of one Chief Justice, and three Associate Justices. At this time the population of the state was less than six hundred thousand people. At the election, Randolph Manning, George Martin, James V. Campbell, and Isaac P. Christiancy were selected as members of the new court.

In March, 1860, Justice Christiancy delivered the commencement day address to the first graduating class from the law school of the University of Michigan, consisting of twenty-four young men. That great jurist, Thomas M. Cooley, many years afterwards characterized this address as an able one coming from a strong man and a profound lawyer. Randolph Manning died in 1864 and was succeeded by Thomas M. Cooley. In 1868 Benjamin F. Graves succeeded George Martin.

Mr. Christiancy was re-elected in 1865 and again in 1873. The state was young when he came to the bench, the law which should govern it was in an embryonic state, and it was fortunate that the new court was made up of such able men. Their work was of such pre-eminent ability as to command the respect of the lawyers and the judiciary of the country, alike.

From the time Justice Christiancy came to the court, until the year 1875, he steadily grew in learning and ability, and he ranked well with the ablest of his great colleagues.

When Robert McClelland ran for governor, the candidate opposing him upon the Whig ticket was Zachariah Chandler, who later became one of the strong men of the state, and who was elected United States Senator in the year 1857 and continued to serve in that capacity until March 4, 1875. He was a candidate for re-election in the year 1875. He was nominated by the Republican legislative caucus, but his election was opposed by six Republicans, and as the result thereof he could not obtain the necessary number of votes to secure his election in the joint convention of the two houses. The Democrats were anxious to take advantage of this situation. Having learned that if elected Justice Christiancy would accept, they with one exception joined the six Republicans, who were opposed to the election of Mr. Chandler, and voted for Mr. Christiancy, thereby electing him United States Senator, and he took his seat in that august body at its next session. His life long friend, Justice Graves, said of this: "A wish to enter the Senate had

taken hold of his early ambition, but political conditions had not been favorable. At last an opportunity had come, and the ancient desire blazed up."

"True, his position as judge, in which character he was applauded by all parties—his mastery of the duties of his office and his prospect of being continued in it, were persuasive against shifting for a laborious and much criticized and untried political office—and one voice of friendship I know was raised for him to stay. But the ambition of a former day could not be easily repressed. Moreover he was suspicious that his bodily ability for judicial labor was declining—that his eyesight and power to drive the pen were failing, and no clerky assistance could be expected, because none was provided; but there was another influence of which his near friends were cognizant. Severe domestic affliction had lately befallen him, and it had the effect to unsettle his spirits and incline him to look away for new scenes and other associations."

Mr. Chandler had been a leader among the Republicans in the United States Senate and by most of them his defeat was regretted. The fact that Mr. Christiancy came to that body by the votes of Democrats and disaffected Republicans did not insure him a warm welcome from the Republican members; while the fact that he had been a lifelong Republican, and in his earlier years an active one, prevented him from being welcomed by the Democrats. His position in the Senate was an anomalous one, and though recognized as possessed of great ability, he did not wield the influence which under more favorable circumstances would have been accorded to him. During his senatorial life he married a young woman, who was a resident of Washington. In February, 1879, he resigned his position as a member of the United States Senate, Mr. Chandler succeeding him, to accept the office of Minister from the United States to Peru, serving in that capacity for a period of two years. It is the belief of Mr. Christiancy's friends that the two great mistakes of his life were, first, in consenting to leave the bench to enter into political life; and second, in marrying a woman who was so much younger than himself, the result of which marriage was great domestic unhappiness.

The work which justly entitles him to enduring fame was done while he was a member of Michigan's court of last resort, and it may be worth while to refer to that period of his life more in detail:

The first of his opinions is to be found in Volume 5, of the Michigan Reports, the last in Volume 31. The state increased in population during that interval from six hundred thousand to one and one-half millions of people, while its material activities had advanced in even a greater ratio. Much litigation of an exceedingly import-

ant character, involving new questions, came up for settlement. There was no such plethora of law books accessible as now. In the criminal law particularly there were few books to guide the judges. While, however, there were few aids to investigation, the courts were not so glutted with business as now, and the judges had time to acquaint themselves fully with the facts in the cases, and to think over carefully and from all points of view, the principles of law applicable to them. It was true then, as it is now, that if one can determine how a given cause between litigants should be decided so as to meet the requirements of exact justice, it will be found that in most instances such a decision will be sustained by the great weight of authority. Such a method of approaching cases commended itself to Justice Christianity.

The limits of this paper forbid a reference to many of his opinions. An examination of the opinions in *Maher v. People*, 10 Mich. 212; *Allison v. Chandler*, 11 id. 542; *Railroad Company v. Miller*, 25 id. 274; and *Booming Company v. Jarvis*, 30 id. 308, will give a fair impression of the master mind of this great Judge. For clearness of statement, analytical acuteness, logical reasoning and justice of result, they compare favorably with the ablest opinions of the ablest Judges.

Hon. S. L. Kilbourne of Lansing, a life long friend of Justice Christianity, at the memorial exercises in the Supreme Court, held after the death of Justice Christianity, which occurred at Lansing September 8, 1890, expressed himself as follows:

"He was fortunate in being called to office in the early formative period of the state, when her foundations were to be laid, and to have remained a member of the court of final determination until her judicial system had become rounded and fixed, and her constitutional limitations established. Equally fortunate was he in being associated with those illustrious men whose wisdom, learning and industry joined his in guiding the young state through its rapid growth and developing needs, and molding it into a commonwealth second to none in the Union, and within whose borders equality of the highest and the humblest before the law, by legislation and judicial decision, is firmly fixed. His was the fortune to contribute to the establishing of a court whose opinions rank with those of the oldest states, and have made Michigan known and respected wherever the common law is administered."

Justice Christianity was a large man physically, a strong man intellectually, a delightful man socially, and when life left his body a great soul entered through the door which we call death, but all hope, may be the entrance to immortal life. JOSEPH B. MOORE.